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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)**

|                               |   |                               |
|-------------------------------|---|-------------------------------|
| IN RE: BEXTRA AND CELEBREX    | ) | MDL CASE NO.: 05-CV-1699      |
| MARKETING SALES PRACTICES AND | ) |                               |
| PRODUCT LIABILITY LITIGATION  | ) |                               |
| _____                         | ) |                               |
| ANNEN, et al.,                | ) | CASE NO. CGC-06-456869        |
|                               | ) | MDL Case No. 07-0953 CRB      |
|                               | ) |                               |
| Plaintiffs,                   | ) | STIPULATION AND ORDER OF      |
|                               | ) | DISMISSAL WITH PREJUDICE      |
| vs.                           | ) | AS TO PLAINTIFF CRAIG FRANKEL |
|                               | ) |                               |
| PFIZER, INC., et al.          | ) |                               |
|                               | ) |                               |
| Defendants.                   | ) |                               |
|                               | ) |                               |
| _____                         | ) |                               |

COME NOW, Plaintiff CRAIG FRANKEL and Defendants PFIZER, INC., et al., by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE  
AS TO PLAINTIFF CRAIG FRANKEL**

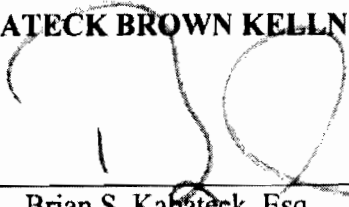
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1 hereby stipulate to the dismissal of Plaintiff CRAIG FRANKEL from this action, with prejudice,  
2 each side bearing its own attorney's fees and costs.  
3

4 Respectfully submitted,

5 Dated: September 24, 2009

**KABATECK BROWN KELLNER LLP**

6  
7  
8 By:   
9 Brian S. Kabateck, Esq.  
10 Attorneys for Plaintiff CRAIG FRANKEL

11 Dated: October 27, 2009

**DLA PIPER LLP**

12  
13 By: /s/  
14 Matthew A. Holian  
15 Attorney for Defendants PFIZER, INC., et al.

16 **ORDER**

17  
18 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS**  
19 **SO ORDERED.**

20  
21 Dated: OCT 29 2009

22   
23 Honorable Charles R. Breyer  
24 United States District Court  
25  
26  
27  
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